

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
March 11, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Senators Excused.

The following Senators were excused on account of important business:

Senator Redditt on motion of Senator Burns.

Senator Shivers on motion of Senator Burns.

Senator Hughston on motion of Senator Hill.

Bills and Resolutions.**Senate Bill No. 445.**

Senator Pace moved to suspend the constitutional rule relating to the time for introduction of bills.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

By Senators Pace and Redditt.

S. B. No. 445, A bill to be entitled "An Act ordering and authorizing the Governor and the State of Texas and the Commission of the General Land Office of the State of Texas to convey and quitclaim to the trustees of the Troup Consolidated Independent School District in Smith and Cherokee Counties, Texas, and their successors in office for the use and benefit to said Troup Consolidated Independent School District, a part of the adandoned site, lands and property of what has heretofore been known as the Troup Experiment Station located in or near the city limits of the town of Troup in Smith County, Texas, the consideration for said conveyance being for the State of Texas that said lands and property were heretofore deeded to the Governor of the State of Texas by certain citizens of said town of Troup for public use, which said public use has now terminated, and declaring an emergency."

Read and referred to the Committee on Public Lands.

Senate Bill No. 446.

Senator Hornsby moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Van Zandt.
Hill.	Westerfeld.
Holbrook.	Sulak.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

By Senators Hornsby and Westerfeld:

S. B. No. 446, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds, and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certificate, preorganization certificate or receipt, subscription or reorganization certificate, note, bond, debenture, mortgage certificate or other evidence of indebtedness, any form of commercial paper, certificate in or under a profit sharing or participation agreement, certificate of interest in or under an oil, gas, or mining lease or title, or any certificate or instrument representing or secured by an interest in any or all of the capital, property, assets, profits or earnings of any company, investment contract, or any other instrument commonly known as a security, whether similar to those herein referred to or not, and providing for the registration of certain persons and companies dealing in securities, this Act being a Blue Sky Law superseding the present Blue Sky Law of this State; conferring powers and imposing duties on the Secretary of State and Attorney General and otherwise providing for the administration of this Act; providing for judicial ascertainment and the taking of appeals; prescribing penalties and making appropriations; repealing all laws in conflict herewith; enacting all necessary provisions incidental to said purpose; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 447.

Senator DeBerry moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

S. B. No. 447, A bill to be entitled "An Act to provide for certificates to be issued by the collector of taxes of the State or of any political subdivision in the State showing payment of taxes, and that same shall be conclusive evidence of such payment in the absence of fraud or collusion, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 11, 1935.

To the Senate of the Forty-fourth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of Texas Technological College:

J. M. West, of Houston, Harris County, to succeed John A. Hulen.

Tomas G. Pollard, of Tyler, Smith County, to succeed John W. Carpenter.

To be Member of Board of Regents of University of Texas:

J. R. Parten, of Houston, Harris County, to succeed Beauford Jester.

To be Members of State Board of Health:

Dr. George W. Cox, of Del Rio, Val Verde County.

Dr. W. P. Harrison, of Teague, Freestone County.

Dr. Hubert S. Jackson, of San Antonio, Bexar County.

To be Member of the Texas Historical Board:

Ed Kilman, of Houston, Harris County.

To be Compact Commissioner for Rio Grande Compact:

(For unexpired term of Richard F. Burgess) Frank B. Clayton, of El Paso, El Paso County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

S. C. R. No. 24.

Senator Hornsby sent up the following resolution:

Whereas, General Hugh Johnson who has been closely and intimately associated and identified with both the Democratic administrations of Wilson and Roosevelt, and who is in harmony and accord with the present national administration, of which he has been a conspicuous and valuable part, and has now taken up and answered the criticisms of those who denounce and oppose that administration; and

Whereas, General Johnson is one of the outstanding soldiers and statesmen of this age, is familiar with the details of the present administration and is a scholarly, fascinating and gifted orator; therefore be it

Resolved by the Senate of Texas, the House concurring, That General Johnson be and he is hereby invited to address the Legislature of Texas on a day suitable to his convenience during the month of March or April upon a subject of his own selection dealing with the problems now confronting the American people.

HORNSBY.

Read.

Senator Hornsby moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 24 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 24 was adopted by viva voce vote.

Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 90.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 11, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 23, Inviting Honorable James A. Moffett to address a joint session of the Legislature on Monday, March 18, at ten o'clock a. m.

In compliance with the provisions of the resolution providing for a joint committee from the House and Senate to make the proper and necessary arrangements, the following have been appointed on the part of the House:

Messrs. Duvall, Jackson, Moffett.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

S. J. R. No. 3.

Pending business was S. J. R. No. 3.

Senator Hill had the floor on his substitute.

Laid on Table.

Senator Oneal received unanimous consent to lay S. J. R. No. 3 on the table subject to call, so as to take up and pass a bill.

Senate Bill No. 219.

Senator Oneal called up S. B. No. 219 out of its regular order.

The Chair laid before the Senate by unanimous consent, on its second reading:

By Senator Oneal:

S. B. No. 219, A bill to be entitled "An Act amending Chapter 130, Acts Regular Session, Forty-third Legislature, as heretofore amended by adding thereto two sections; and declaring an emergency."

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 219 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—3.

Collie.	Holbrook.
DeBerry.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

Senate Bill No. 294.

Senator Rawlings received unanimous consent to take up out of regular order S. B. No. 294.

The Chair laid before the Senate, on its second reading:

By Senator Rawlings:

S. B. No. 294, A bill to be entitled "An Act (to be known as Article 2777c of the Revised Civil Statutes of 1925) providing for the election of school trustees in independent school districts created by Special Act having within their boundaries a city with a population of not less than 160,000 nor more than 220,000 according to the past preceding Federal census; fixing the terms of office of such school trustees at six years; extending the present terms of office of certain of such school trustees; providing for the filling of vacancies, and the manner of holding elections; repealing all laws and parts of laws (general or special) in conflict with this Act; and declaring an emergency."

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 294 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

Senate Bill No. 448.

Senator Sulak moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion failed by the following vote:

Yeas—21.

Beck.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—2.

Holbrook.	Moore.
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Present—Not Voting.

Burns.	Hopkins.
DeBerry.	Van Zandt.

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

S. J. R. No. 3.

Senator Hill called up S. J. R. No. 3 which had been laid on the table subject to call.

Pending.

Senate Bill No. 445.

Senator Pace received unanimous consent to take up S. B. No. 445.

By Senators Pace and Redditt:

S. B. No. 445. A bill to be entitled "An Act ordering and authorizing the Governor and the State of Texas and the Commission of the General Land Office of the State of Texas to convey and quitclaim to the trustees of the Troup Consolidated Independent School District in Smith and Cherokee Counties, Texas, and their successors in office for the use and benefit of said Troup Consolidated Independent School District, a part of the abandoned site, lands and property of what has heretofore been known as the Troup Experiment Station located in or near the city limits of the town of Troup in Smith County, Texas, the consideration for said conveyance being for the State of Texas that said lands and property were heretofore deeded to the Governor of the State of Texas by certain citizens of said town of Troup for public use, which said public use has now terminated, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 445 was put on its second reading by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 445 was put on its third and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Cotten.
Blackert.	Davis.
Burns.	DeBerry.
Collie.	Duggan.

Hill.	Rawlings.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.
Poage.	

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

At Ease.

Senator Moore at 11:10 o'clock p. m., moved that the Senate stand at ease for 5 minutes.

The motion prevailed by viva voce vote.

Called to Order.

The Chair, Lieutenant Governor Walter F. Woodul, called the Senate to order at 11:20 o'clock a. m.

S. J. R. No. 3.

The question recurred on the adoption of the substitute offered by Senator Hill for S. J. R. No. 3 and pending amendment.

The substitute failed of adoption by the following vote:

Yeas—7.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Hill.	

Nays—19.

Blackert.	Rawlings.
Burns.	Regan.
Cotten.	Sanderford.
Davis.	Small.
Duggan.	Stone.
Holbrook.	Sulak.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Shivers.
Redditt.	

(Pair Recorded.)

Senator Martin (present) who

would vote nay, with Senator Hughston (absent) who would vote yea.

Motion to Reconsider.

Senator Moore moved to reconsider the vote by which the substitute by Senator Hill failed of adoption.

Motion to Table.

Senator Holbrook moved to table the motion to reconsider.

The motion to table prevailed by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "nay" on the motion to table.

Senator Woodruff sent up the following substitute for S. J. R. No. 3 and pending amendment:

Amend the pending substitute to the Senate Joint Resolution No. 3 by striking out Section 1, 2, 3 and 4 thereof, and inserting in lieu of same the following:

Section 1. That Section 20 of Article 16 of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Sec. 20 (a). The Legislature shall have the power to regulate the manufacture, sale, possession, transportation and distribution of intoxicating liquor within this State, and within any political subdivision thereof.

(b) The Legislature shall have the power to create a State monopoly for the purpose of regulating the manufacture, sale, possession, transportation and distribution of intoxicating liquor within this State, and within any political subdivision thereof by means of issuing license to persons, firms, or corporations, for such purpose as it, from time to time, shall deem necessary.

(c) All laws or parts of laws enacted pursuant to and in effect under the terms and provisions of Section 20 of Article 16 of the Constitution of the State of Texas being amended hereby, shall be and continue in full force and effect until amended or repealed by the Legislature of the State of Texas.

Sec. 2. The amendment to the Constitution of the State of Texas proposed in Section 1 of this resolution shall be submitted to a vote of

the qualified electors of this State at a special election to be held throughout the State of Texas on the twenty-fourth day of August, A. D. 1935, at which election all voters shall write, or have printed on their ballots, in addition to subsections (a), (b) and (c) of Section 1 hereof, the provisions:

(1) "For repeal of State wide prohibition."

(2) "Against repeal of State wide prohibition."

(3) "For liquor control by State monopoly."

(4) "Against control by State monopoly."

Those favoring the adoption of State amendment shall strike above provision No. 2 from their ballot and those opposing such amendment shall strike provision No. 1.

Those voters favoring State control by monopoly and license shall strike provision No. 4 from their ballot and those opposing State control by monopoly and license shall strike provision No. 3 from their ballot.

Sec. 3. The Governor shall issue the necessary proclamation for such an election, and shall have the same published and such election held as is provided for by the Constitution and the laws of this State.

Sec. 4. The sum of Fifty Thousand Dollars (\$50,000) or so much thereof as shall be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the expenses of the publication and the election herein above provided for.

Sec. 5. If it shall appear from the returns of said election that a majority of the votes cast are in favor of State wide repeal, then sub-section (a) and sub-section (c) of Section 1 shall become a part of the Constitution of the State of Texas, then and in that event, if it shall appear that a majority of the votes cast in such election shall be in favor of State control by monopoly and license, then sub-section (b) of Section 1 of this resolution shall also become a part of the Constitution of the State of Texas."

WOODRUFF.

Motion to Adopt.

Senator Woodruff moved the adoption of the substitute for S. J. R. No. 3.

Motion to Table.

Senator Holbrook moved to table the substitute.

The motion to table prevailed by the following vote:

Yeas—19.

Blackert.	Moore.
Cotten.	Neal.
Davis.	Oneal.
DeBerry.	Pace.
Duggan.	Rawlings.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	

Nays—4.

Beck.	Van Zandt.
Collie.	Woodruff.

Absent.

Burns.	Westerfeld.
Poage.	

Absent—Excused.

Fellbaum.	Shivers.
Hughston.	Sulak.
Redditt.	

Senator Van Zandt sent up the following substitute for S. J. R. No. 3:

Amend S. J. R. No. 3 by striking out all below the resolving clause and inserting in lieu the following:

Section 1. That Article 16 of the Constitution of the State of Texas be amended by striking out Section 20 (a), Section 20 (b), Section 20 (c), Section 20 (d), and Section 20 (e), and substituting in lieu thereof the following:

"Art. 16. Sec. 20:

(a) To the extent that such shall not violate the Constitution of the United States of America as it now is or may hereafter be amended, the Legislature shall have the power to regulate the manufacture, sale, barter, exchange and traffic, in intoxicating liquors in the State of Texas; and to prohibit the transportation of intoxicating liquors for beverage purposes into or within any county, justice's precinct, town or city which has voted to prohibit the sale of intoxicating liquors within its prescribed limits.

(b) The establishment, maintenance, or operation of a saloon

(which is hereby defined to be a place where intoxicating liquors are sold and consumed in whole or in part on the same premises) is hereby prohibited and declared to be unlawful in the State of Texas.

(c) If, as and when such will not violate the Constitution of the United States of America, the Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct, town or city may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited within the prescribed limits.

(d) Provided that intoxicating liquors shall not be manufactured, sold or transported for beverage purposes in any county, justice's precinct, town, city or political subdivision of a county where, under the local option provision of the State Constitution and statutes, as such existed prior to the adoption of the State wide prohibition amendment, such political subdivision had voted (at the last such election) to prohibit the sale of intoxicating liquors, unless and until the question shall be again submitted to the qualified voters of such county justice's precinct, town, city or political subdivision as may be hereafter provided by law, and a majority of the qualified voters voting in such election shall vote not to prohibit such sale.

(e) Nothing contained above shall be construed as preventing through shipments of intoxicating liquors from counties, justice's precincts, towns or cities in which the sale of intoxicating liquors is not prohibited, to other counties, justice's precincts, towns or cities where such sale is not prohibited.

The Legislature, where necessary, shall enact laws to carry out the provisions of this amendment.

Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas on August 24, 1935, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"FOR the amendment to the State Constitution repealing Section 20a to 20e, Article 16 of the Constitu-

tion; prohibiting saloons; re-establishing local option; vesting in the Legislature the power to regulate the manufacture and sale of intoxicating liquors; prohibiting the manufacture, sale and transportation of intoxicating liquors in or into counties which have previously, under local option by election, prohibited the sale of intoxicating liquors, until another election is held, wherein a majority of the voters vote not to prohibit such sale."

and those voters opposing said proposed amendments shall write or have printed on their ballots the words:

"AGAINST the amendment to the State Constitution repealing Section 20a to 20e, Article 16 of the Constitution; prohibiting saloons; re-establishing local option; vesting in the Legislature the power to regulate the manufacture and sale of intoxicating liquors; prohibiting the manufacture, sale and transportation of intoxicating liquors in or into counties which have previously, under local option by election, prohibited the sale of intoxicating liquors, until another election is held, wherein a majority of the voters vote not to prohibit such sale."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and laws of this State.

Sec. 4. The sum of four thousand (\$4,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expenses of said publication and election.

VAN ZANDT.

Read.

Senator Small sent up a substitute for S. J. R. No. 3.

Point of Order.

Senator Woodruff raised the point of order that a substitute was pending.

The Chair, Senator Rawlings presiding, sustained the point of order.

Senator Small sent up an amend-

ment to the substitute offered by Senator Van Zandt.

Point of Order.

Senator Woodruff raised the point of order that the amendment was in fact a substitute and not an amendment.

Senator Small withdrew his amendment.

Senator Van Zandt moved the adoption of the substitute.

Pending.

Motion to Recess.

Senator Moore at 11:59 a. m., moved that the Senate recess until 10:00 o'clock a. m. Tuesday.

Senator Small moved as a substitute that the Senate recess until 2:00 o'clock p. m.

The motion to recess until 10:00 a. m. Tuesday lost by the following vote:

Yeas—11.

Blackert.	Moore.
Burns.	Pace.
DeBerry.	Rawlings.
Hill.	Sanderford.
Holbrook.	Stone.
Martin.	

Nays—12.

Beck.	Oneal.
Collie.	Poage.
Davis.	Regan.
Duggan.	Small.
Hornsby.	Van Zandt.
Neal.	Westerfeld.

Absent.

Cotten.	Sulak.
Hopkins.	Woodruff.

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

The question recurred on the motion to recess until 2:00 p. m.

Substitute Motion.

Senator Pace moved as a substitute that the Senate recess until 9:00 o'clock a. m. Tuesday.

The motion to recess until 9:00 o'clock Tuesday prevailed by the following vote:

Yeas—12.

Beck.	Martin.
Blackert.	Moore.
Burns.	Pace.
DeBerry.	Rawlings.
Hill.	Sanderford.
Holbrook.	Stone.

Nays—11.

Collie.	Poage.
Davis.	Regan.
Duggan.	Small.
Hornsby.	Van Zandt.
Neal.	Westerfeld.
Oneal.	

Absent.

Cotten.	Sulak.
Hopkins.	Woodruff.

Absent—Excused.

Fellbaum.	Redditt.
Hughston.	Shivers.

APPENDIX.**Petitions and Memorials.**

The Vice President's Chamber
Washington
March 6, 1935.

Hon. John Hornsby,
State Senate,
Austin, Texas.

Dear John: I was in a terrible rush yesterday and suggested to Mrs. Garner that she write to you about the Senatorial Resolution providing for the purchase of the portrait of your humble servant.

I can't help but take time this morning to tell you and the "gang" how I appreciate your remembrance and interest. Of course you know, as do all who come in contact with me, that I am just the same as I was thirty odd years ago when a member of the House of Representatives of Texas. That was when you were a handsome man, with dark flowing hair approaching your shoulders, and I weighed a hundred and twenty-five pounds. I regret to say I weigh more than that now, and my hair is very, very white. You will be pleased to know, however, that I am in good health—able to do a man's part in the day's work.

Please convey my kindest regards to Senator Regan. He is my Senator, and while I haven't the close acquaintance with him that I have

with you and other friends in the Senate, I have learned to respect him and support him as my law-maker.

Wishing you health and happiness,
I am

Sincerely your friend,
JOHN N. GARNER.

JNG/ERG

The Vice President's Chamber
Washington

March 5, 1935.

Hon. John Hornsby,
State Senate,
Austin, Texas.

Dear Mr. Hornsby: Your letter to Mr. Garner, enclosing "Senate Resolution No. 31, by Hornsby and Regan," is received and has been read with interest by both Mr. Garner and myself. He was not given an opportunity to reply before he was called away, and asked me to write you and express his gratification for the splendid expressions of esteem contained in the resolution. He feels unworthy but, being human, he is very pleased at the confidence expressed in him.

Mr. Garner considers that Mrs. Rice's portrait is a good likeness and has authorized me to so state. I feel that Mrs. Rice could have made an even better likeness if Mr. Garner had been able to give her more time. There is no doubt as to her ability as a portrait painter.

Conveying Mr. Garner's sincere appreciation and warm personal regards to you and Senator Regan, and thanking you for your interest in this matter, I am

Very cordially yours,
E. R. GARNER,

Secretary to the Vice President.
ERG/S

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 8, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 90 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 8, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 387, A bill to be entitled

"An Act amending Article 2677, Revised Civil Statutes, 1925, relating to the qualifications of county school trustees, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, March 8, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 389, A bill to be entitled "An Act amending Article 2676, of the Revised Civil Statutes, 1925, relating to the election of county school trustees, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

DUGGAN, Chairman.

Committee Amendment.

Amend by adding the following at the end of the second sentence, changing period to comma, "lying wholly within a commissioner's precinct and also a voting place for each segment of such school districts that may be located in two or more commissioners' precincts."

Committee Room,
Austin, Texas, March 11, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 159, A bill to be entitled "An Act to amend Article 1683 of the Revised Civil Statutes of Texas, of 1925, so as to provide that county librarians who have received a certificate of qualification for office one time from the State Board of Examiners, and said county librarian has under said certificate received employment in any county library in this State, said librarian may thereafter be employed or reemployed by any county library without further examination and the issuance of another certificate from said State Board of Library Examiners, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Vice Chairman.

Committee Room,
Austin, Texas, March 11, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 445, A bill to be entitled "An Act ordering and authorizing the Governor and the State of Texas and the Commissioner of the General Land Office of the State of Texas to convey and quitclaim to the trustees of the Troup Consolidated Independent School District in Smith and Cherokee Counties, Texas, and their successors in office for the use and benefit to said Troup Consolidated Independent School District, a part of the abandoned site, lands and property of what has heretofore been known as the Troup Experiment Station located in or near the city limits of the town of Troup in Smith County, Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 11, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 81,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Educational Affairs, Held March 8, 1935,
Regular Meeting.

Present: Duggan, DeBerry, Burns, Cotten, Hopkins, Hornsby, Neal, Pace, Poage, Small, Woodruff.

Absent: Regan.

S. B. No. 387 was reported favorably by viva voce vote.

S. B. No. 389 was reported favorably by viva voce vote.

JUANITA WILES,
Secretary.

THIRTY-SEVENTH DAY

(Continued).

Senate Chamber,
Austin, Texas,
March 12, 1935.

The Senate met at 9 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Point of Order.

The Chair instructed the Secretary to call the roll to ascertain if a quorum were present.

The roll call disclosed no quorum.

Call of the Senate.

Senator Hornsby moved that a call of the Senate be ordered to secure and maintain a quorum.

The motion was seconded.

The Chair, Lieutenant Governor Walter F. Woodul, instructed the Secretary of the Senate to furnish a list of the absent Senators to the Sergeant-at-Arms, and that he bring in the absent Senators.

Senators Excused.

Senator Burns was excused on account of sickness on motion of Senator Pace.

Senator Hughston was excused on account of important business on motion of Senator Hill.

Senate Called to Order.

The Chair called the Senate to order at 9:15 o'clock, a quorum having been secured.

S. J. R. No. 3.

The question recurred on the adoption of the substitute offered by Senator Van Zandt for S. J. R. No. 3 and pending amendment.

Senate Resolution No. 56.

Senator Holbrook received unanimous consent to send up out of regular order S. R. No. 56, in memory of Mr. E. H. Beck, father of Senator J. W. E. Beck.

Senator Holbrook requested that the names of all the Senators be added.

S. R. No. 56 was unanimously adopted by a rising vote.

House Bill No. 404.

Senator Rawlings received unanimous consent to send up and have printed in the Journal the following amendments to H. B. No. 404:

Amendment No. 1.

Amend H. B. No. 404 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 17 of Chapter 270, page 399 of the Acts of the Fortieth Legislature, 1927, be and the same is hereby amended so as hereinafter to read as follows:

"Sec. 17. If any such auto transportation company, association, corporation, or other party at interest be dissatisfied with any decision, rate, charge, rule, order, act, or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party may file a petition setting forth the particular objection to such decision, rate charge, rule, order, act, or regulation, or to either or all of them in the District Court in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in a said court; either party to said action may appeal to the appellate court having jurisdiction of said cause, and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause, and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days notice. In all trials under this section, the burden of proof shall rest upon the plaintiff who must show by the preponderance of evidence that the decisions, rates, regulations, rules, orders, classifications, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder, and no injunction shall be granted against any order of the

Commission, whether temporary restraining order, temporary injunction, permanent injunction, or any other writ of injunction, except after notice to the Commission and a hearing as hereinafter provided; provided that when a petition or application is filed asking for any such character of temporary injunctive relief, the Clerk of the Court in which such petition or application is filed shall issue notice to the Commission in writing, which notice shall contain the docket number, style and a brief statement of the nature of the suit, and such notice shall be served on the Commission by delivering a copy of such citation to the Commission, or any member thereof, or to the Secretary thereof, in Travis County, for the service of other citation, and five (5) days from and after the service of such notice, a hearing may be had upon such application; provided, further, that any decision, rate, charge, rule, order, act, or regulation complained of shall be taken as prima facie valid and the use and introduction of the verified petition of plaintiff shall not be sufficient to overcome the prima facie validity of the rule, regulation, or order complained of or to empower the Court to grant any injunctive relief against the enforcement of said decision, rate, charge, rule, order, act, or regulation; provided, further, that before any order granting any character of injunctive relief against this statute or against any decision, rate, charge, rule, order, act, or regulation of the Commission shall become effective, the plaintiff shall be required by the Court to execute a bond as is provided by law."

Sec. 2. Section 20 of the Acts of the 42nd Legislature, 1931, page 480, Chapter 277, is hereby amended so as hereinafter to read as follows:

"Sec. 20. If any motor carrier or other party at interest be dissatisfied with any decision, rate, charge, rule, order, act, or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party, after failing to get relief from the Commission may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulations, or to either or all of them in the District Court in Travis County, Texas, against said Commis-

sion as defendant. Said actions shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said Court. Either party to said action may appeal to the Appellate Court having jurisdiction of said cause, and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause, and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending; provided, that if the Court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days' notice. In all trials under this Section, the burden of proof shall rest upon plaintiff, who must show by the preponderance of evidence that the decisions, rates, regulations, rules, orders, classifications, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder, and no injunction shall be granted against any order of the Commission, where the temporary restraining order, temporary injunction, permanent injunction or any other writ of injunction, except after notice to the Commission and a hearing as hereinafter provided; provided that when a petition or application is filed asking for any such character of temporary injunctive relief, the Clerk of the Court in which such petition or application is filed shall issue notice to the Commission in writing, which notice shall contain the docket number, style, and a brief statement of the nature of the suit, and such notice shall be served on the Commission by delivering a copy of such citation to the Commission or any member thereof, or to the Secretary thereof, in Travis County, for the service of other citation, and five (5) days from and after the service of such notice, a hearing may be had upon such application; provided, further that any decision, rate, charge, rule, order, act, or regulation complained of shall be taken as prima facie valid and the use and introduction of the verified petition of plaintiff shall not be sufficient to overcome the prima facie validity of the rule, regulation,

or order complained of or to empower the Court to grant any injunctive relief against the enforcement of said decision, rate, charge, rule, order, act, or regulation; provided, further, that before any order granting any character of injunctive relief against this statute or against any decision, rate, charge, rule, order, act, or regulation of the Commission shall become effective, the plaintiff shall be required by the Court to execute a bond as is provided by law."

Sec. 3. The Courts of Civil Appeals and the Judges thereof are hereby vested with jurisdiction to issue writs of prohibition, mandamus, and injunction to prohibit the enforcement of any order or judgment of any trial court or judge granting any character of injunctive relief without notice and hearing in violation of the requirements of Section 17 of the Acts of 1927, 40th Legislature, Page 399, Chapter 270; and Section 20 of the Acts of 1931, 42nd Legislature, Page 480, Chapter 277, as amended by this act. Whenever it shall appear that such requirements of such sections with respect to notice and hearing have not been complied with, upon proper application presented by the Railroad Commission to the Court of Civil Appeals, the said Court of Civil Appeals shall be empowered, and it shall be its duty, to issue instantly the necessary writs of prohibition, mandamus or injunction to prohibit and restrain the trial judge from enforcing or attempting to enforce the provisions of the injunction issued by him and to prohibit and restrain the party or parties in whose favor such order has been entered from acting or attempting to act under the protection of said order from violating the statute or the decision, rate, charge, rule, order, act, or regulation of the Railroad Commission attacked.

Sec. 4. All laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Sec. 5. The fact that the agencies charged by law with the duty of enforcing the motor carrier laws of the State of Texas have been hampered by the issuance of temporary restraining orders, temporary injunctions and permanent injunctions

restraining them in the enforcement of their duty and in the enforcement of their orders without being accorded notice and hearing before such restraining orders and injunctions have been issued, and the fact that the effect of many such restraining orders and temporary injunctions has been to dispose of the subject matter of such statute prior to the determination on the merits of the matters presented by litigation, and the fact that the public welfare requires that there be a speedy remedy to prevent the non-observance and the violation of the requirements of motor carrier statutes with reference to notice and emergency and an imperative public hearing in such matters, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read in each House on three several days, and the Constitutional rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2.

Amend House Bill No. 404 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Section 17 of the Acts of the 40th Legislature, Regular Session, Chapter 270, page 399, and amending Section 20 of the Acts of 1929, 41st Legislature, page 698, Chapter 314, as amended by the Acts of 1931, 42nd Legislature, page 480, Chapter 277, paragraph 20, relating to appeals from the orders, rules, rates, acts, charges, decisions, or regulations adopted by the Railroad Commission of Texas providing that no injunction, whether temporary restraining order, temporary injunction, permanent injunction, or any other character of injunctive relief shall be granted against the Railroad Commission to enjoin agents and representatives, without notice and hearing; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution: S. C. R. No. 23.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, March 12, 1935.

Hon Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 257, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; providing for the submission of code or codes to the milk control board by groups engaged in the milk industry in counties having a population in excess of 77,600 and less than 77,800, according to the Federal Census last preceding the time when said submission is made from said counties for the setting up of a code, codes, or agreements, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,

Austin, Texas, March 12, 1935.

Hon Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 36, Providing for the appointment of a committee of the House and Senate to inspect certain properties at Milford, Texas, with a view to purchasing said property to be used as a home for dependent and neglected children.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

S. J. R. No. 3.

The question recurred on the motion to adopt the substitute offered by Senator Van Zandt to S. J. R. No. 3, and pending amendment.

Motion to Table.

Senator Moore moved to table the motion by Senator Van Zandt.

The motion to table prevailed by the following vote:

Yeas—23.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Davis.	Rawlings.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—3.

Cotten.	Van Zandt.
DeBerry.	

Absent—Excused.

Burns.	Redditt.
Fellbaum.	Shivers.
Hughston.	

Senator Moore withdrew his pending amendment.

Senator Small sent up the following amendment:

Amend S. J. R. No. 3 by striking out all of Subdivision A and adding the following:

"The sale, barter or exchange, in the State of Texas of spirituous liquors or of medicated compounds capable of producing intoxication, or of any intoxicant whatsoever manufactured in whole or in part by means of the process of distillation, or of any liquor compounded or composed in part of distilled spirits, are each and all prohibited when made in broken or unsealed containers, or when made for human consumption on the premises where sold, bartered or exchanged. The consumption or use of any or all of such liquors for beverage purposes on the premises where same are acquired by purchase, barter or exchange, or in any public place of this State is also

prohibited. Subject to the foregoing limitations and inhibitions the Legislature shall have the power and it shall be its duty, to regulate the manufacture, sale, transportation, possession, and use of and traffic in, all intoxicating liquors and medicated compounds within the State of Texas."

SMALL.

Read.

Senator Collie sent up the following amendment to the amendment to S. J. R. No. 3:

Amend the Small amendment by adding the following after the word "Texas" at the conclusion of the amendment:

"including the power and authority to provide for a State monopoly on the sale of such liquors."

COLLIE,
DeBERRY.

Read.

Senator Small sent up the following substitute for the amendment by Senator Collie:

Amend the Small amendment by adding the following:

"including the power to provide for a State liquor monopoly on the sale of all spirituous liquors manufactured in whole or in part by means of the process of distillation or liquors compounded and/or composed in part of such spirituous distilled liquors."

SMALL.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend the pending Small amendment to S. J. R. No. 3, by adding a new section reading and numbered as follows:

Sec. 2. It shall be unlawful for any person, persons, firm or corporation engaged in the sale, barter or exchange of vinous, spirituous or malt liquors in this State to contribute any money or valuable thing to any political purpose, the Legislature shall enact laws providing penalties for violations hereof.

WOODRUFF.

Read.

Motion to Table.

Senator Moore moved to table the amendment offered by Senator Woodruff.

The motion to table prevailed by the following vote:

Yeas—19.

Blackert.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	

Nays—6.

Beck.	Duggan.
Collie.	Hill.
DeBerry.	Woodruff.

Absent.

Pace.

Absent—Excused.

Burns.	Redditt.
Fellbaum.	Shivers.
Hughston.	

The amendment by Senator Small as amended was adopted by the following vote:

Yeas—18.

Beck.	Martin.
Collie.	Neal.
Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Small.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.

Nays—8.

Blackert.	Sanderford.
Hopkins.	Stone.
Moore.	Sulak.
Regan.	Westerfeld.

Absent—Excused.

Burns.	Shivers.
Hughston.	

(Pair Recorded.)

Senator Redditt (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Collie sent up the following amendment:

Amend S. J. R. No. 3, subsection (b) line 35, by adding between the

words "prohibited" and "within" the words:

"or legalized."

COLLIE.

Adopted.

Senator Hill sent up the following substitute for S. J. R. No. 3, as amended.

Substitute S. J. R. No. 3, as amended by striking out all below the resolving clause and insert the following:

Section 1. That Article XVI of the Constitution of the State of Texas be amended by striking out Section 20a to Section 20e, both inclusive, and substituting in lieu thereof the following:

"Article XVI. Section 20.

"(a) It is hereby declared to be the policy of this State that the open saloon shall not be re-established. The sale of spirituous liquors, manufactured in whole or in part by means of the process of distillation and/or liquors compounded and/or composed in part of such spirituous distilled liquors for private profit, is prohibited within this State excepting when such sale is made by and/or to the State. The State of Texas shall purchase at wholesale and distribute and sell such distilled spirituous liquors only at retail and only in unbroken packages. The Legislature shall pass laws to prescribe regulations relative to the manufacture, sale and possession of such spirituous liquors and establishment of State Dispensaries.

"The sale of all liquors the alcoholic content of which is entirely and exclusively the result of the fermentation process is hereby authorized under such restrictions as may be prescribed by law."

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale, manufacture, possession, transportation or traffic in any form of such liquors for beverage purposes shall be prohibited within the prescribed limits; and such laws shall contain provisions for voting on the sale of such liquors of various types and various alcoholic content. The Legislature shall enact laws fully protecting and preserving the integrity of such dry territory.

"(c) In all counties in the State of Texas and in all political subdivisions thereof wherein the sale of such liquors has been prohibited by local option elections held under the laws of the State of Texas, and in force at the time of taking effect of Section 20, Article XVI of the Constitution, it shall continue to be unlawful to manufacture, sell, barter, exchange, give away or transport, except through transportation commencing outside the limits of said county or political subdivision and ending outside said county or political subdivision, in any such county or in any such political subdivision thereof, any such spirituous, vinous or malt liquors, or any other intoxicants whatsoever for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof, voting in an election held for such purposes, shall determine such to be lawful."

Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a Special Election to be held throughout the State of Texas, on August 24, 1935, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"For the Amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option."

And those voters opposed to said proposed amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution permitting the sale of alcoholic beverages, and providing for local option."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

Sec. 4. The sum of Six Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for

the expense of said publication and election.

Read.

Point of Order.

Senator Holbrook raised the point of order that the substitute offered by Senator Hill was the same as had previously been voted down by the Senate.

The Chair overruled the point of order.

Motion to Table.

Senator Holbrook moved to table the substitute by Senator Hill.

The motion to table prevailed by the following vote:

Yeas—16.

Blackert.	Rawlings.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.

Nays—8.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Redditt.
Hill.	Woodruff.

Absent.

Duggan.	Poage.
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Absent—Excused.

Burns.	Shivers.
Fellbaum.	

(Pair Recorded.)

Senator Martin (present) who would vote yea, with Senator Hughston (absent) who would vote nay.

Senator Moore moved "to amend the caption to conform to the body of the bill."

The motion prevailed by viva voce vote.

Senator Small sent up the following amendment:

Amend S. J. R. No. 3, by striking out all of subdivision A and adding the following:

Sec. A. The sale, barter or exchange, in the State of Texas of spirituous liquors or of medicated compounds capable of producing intoxication, or of any intoxicant whatever manufactured in whole or in part by means of the process of distillation, or of any liquor compounded or composed in part of distilled spirits, when made or offered in broken or unsealed containers, or when made for human consumption on the premises where sold, bartered or exchanged, are each and all prohibited. The consumption or use of any or all of such liquors for beverage purposes on the premises where same are acquired by purchase, barter or exchange, or in any public place in this State, is also prohibited. Subject to the foregoing limitations and inhibitions the Legislature shall have the power, and it shall be its duty to regulate the manufacture, sale, transportation, possession, and use of and traffic in, all intoxicating liquors, and medicated compounds, within the State of Texas, including the power to provide for a State monopoly on the sale of all spirituous liquors manufactured in whole or in part by means of the process of distillation or liquors compounded or composed in part of such spirituous distilled liquors.

Read and adopted.

S. J. R. No. 3.

The Chair stated the question was upon engrossment of S. J. R. No. 3 and instructed the Secretary to call the roll.

S. J. R. No. 3 passed to engrossment by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Present—Not Voting.

Hill.

Absent—Excused.

Burns.	Hughston.
Fellbaum.	Shivers.

Point of Order.

Senator Moore raised the point of order that S. J. R. No. 3 having received a two-thirds vote of the Senate, had now passed the Senate.

The Chair Lieutenant Governor Walter F. Woodul overruled the point of order.

Motion to Suspend the Rule.

Senator Hornsby moved to suspend Senate Rule No. 38 requiring joint resolutions to be read on three several days.

Substitute Motion.

Senator Small moved as a substitute that S. J. R. No. 3 be engrossed, and laid on the Senator's desks by 2:00 o'clock p. m. today.

Point of Order.

Senator Moore raised the point of order that the substitute was improper as there could be no substitute to suspend the rule.

The Chair sustained the point of order.

The motion by Senator Hornsby prevailed by the following vote:

Yeas—20.

Blackert.	Oneal.
Cotten.	Pace.
Davis.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Woodruff.

Nays—5.

Collie.	Small.
DeBerry.	Westerfeld.
Hill.	

Present—Not Voting.

Beck.

Absent—Excused.

Burns.	Poage.
Fellbaum.	Shivers.
Hughston.	

Senator Moore moved final passage of S. J. R. No. 3.

Senator Moors withdrew his motion.

Senator Small moved that the Engrossing Clerk be requested to have S. J. R. No. 3 on the desks of the Senators by 3 p. m. today and that S. J. R. No. 3 be set for special order on the next Legislative day.

The motion prevailed by viva voce vote.

Adjournment.

On motion of Senator Oneal the Senate at 12:20 p. m. adjourned until 2 o'clock p. m. today.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 11, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 23 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 11, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 435, A bill to be entitled "An Act to amend the law controlling Water Control and Improvement Districts, as embraced in Sections 33 and 45 of Chapter 25 of the General Laws enacted by the 39th Legislature of Texas, at its Regular Session; and Section 3 of Chapter 280 of the General Laws enacted by the 41st Legislature, at its Regular Session, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

"H. C. R. No. 35, Endorsing the Texas Press Centennial Special Train and extending invitation by these messengers to the President and his cabinet to attend our 1936 celebration."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WESTERFELD, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Public Lands and Land Office,
Held March 7, 1935,
Called Meeting.

Present: Regan, Holbrook, Hughston, Woodruff, Collie, Duggan, Small.

Committee substitute for Senate Bill No. 32 was reported favorably by viva voce vote.

ORVALEA WILLBANKS,
Secretary.

Minutes of a Meeting of the Senate Committee on Labor,
Held March 11, 1935,
Stated Meeting.

Present: Rawlings, Blackert, Oneal, Poage, Sanderford, Cotten, Davis, Sulak, Westerfeld.

Absent and excused: Shivers, Small, Woodruff, Fellbaum.

Motion of Senator Blackert to report favorably Senate Bill No. 413, by Westerfeld, failed by the following vote: Yeas, Blackert, Sulak, and

Westerfeld; nays, Rawlings, Oneal, Sanderford, Davis. Sanderford moved to reconsider vote. Reconsidered by viva voce vote. Motion by Westerfeld to send bill to sub-committee adopted by viva voce vote. Chairman appointed on sub-committee Westerfeld, Cotten, Sulak.

House Bill No. 115, on motion of Senator Sanderford, was set for further hearing on Monday, March 18, 1935, by viva voce vote. Senator Sanderford stated the sub-committee would be ready to report at that time.

S. B. No. 398 was not taken up in the absence of the author, Senator Hill.

S. B. No. 442 was not taken up in the absence of the author, Senator Hill.

There being no further business before the committee, on motion, the committee adjourned subject to the call of the chairman.

JACQUE BARCUS, Secretary.

Minutes of Committee on Mining, Irrigation and Drainage,
Held March 11, 1935,
Called Meeting.

Present: Regan, Blackert, DeBerry, Hill, Holbrook, Neal, Small, Van Zandt.

Absent and excused: Hopkins, Stone and Burns.

S. B. No. 337 was laid on table subject to call by viva voce vote.

S. B. No. 435 was reported favorably by viva voce vote.

ORVALEA WILLBANKS,
Secretary.

In Memory
of
Hon. E. H. Beck

SENATE RESOLUTION NO. 58.

WHEREAS, The Senate of Texas has learned with great sorrow of the passing of E. H. Beck of Valdosta, Georgia, the father of Senator J. W. E. H. Beck, our colleague, who represents the First Senatorial District of this State; and

WHEREAS, It has come to the attention of the Senate that Mr. Beck was for more than three score years one of the outstanding educators of Georgia, and in that field his achievement was notable. In his career as an educator, more than eight thousand young Georgians were taught by him. He received his early education in the schools of Georgia, his native State, and for a long while in his youth studied at Kentucky Wesleyan University, receiving from that institution the degrees of Civil Engineer, Bachelor of Science, Bachelor of Arts and Master of Arts, and later his Master of Arts from the University of Georgia. In addition to his academic training he possessed one of the keenest legal minds of his State, but preferred teaching to that of practicing law. During his career he taught at Homer College in Louisiana, at North Georgia Agricultural College in Dahlonega, Georgia, and in the public schools of that State. For several years he served as Superintendent of the Public Schools at Rusk, Texas, and later established a school at Paradise, Texas. During their youth two students, who in later years distinguished themselves in Texas, received their primary education under his guidance. These were the late Cone Johnson of Tyler, Texas, and Hon. R. B. Cousins, who at one time was Superintendent of Public Instruction in Texas, and later President of the College of Industry and Arts at Kingsville. He served at different times as a Member of the Legislature from three different counties in Georgia, and later represented the Forty-third Senatorial District in the Georgia Senate, and for eight years was County School Superintendent of Lowndes County. He was a member of the committee which secured the Georgia State Woman's College for Valdosta, and was a member of its board of trustees for eight years. During his service in the Legislature he was primarily responsible for the building of the Georgia Technological Institute, which today is one of the outstanding colleges of its kind in the South, and was the prime mover in the construction of the present Capitol building of the State, at Atlanta. He was joint author of the bill permitting women to practice law in Georgia and of that giving the women the right to be notaries public. While he was engaged during his long life in various ways to promote the public good, the education of the youth of his State engaged most of his time. As he grew old he was given to reminiscences and recently stated that during his term as a legislator he knew well young Henry W. Grady, who was then a reporter for the Atlanta Constitution, whose duty it was to cover the State House. Of Mr. Grady he said, "Henry knew everybody in Atlanta, and could call their names, first, last and middle, of every Repre-

sentative. He also delighted to call to mind another young man who frequented the corridors of the State Capitol, who was destined to take a high place in the destiny of the Nation. This young man he said could be seen about the Capitol whenever a speech of any importance was to be made; that young man was Woodrow Wilson, afterwards President of the United States. In the passing of Mr. E. H. Beck, Georgia, and the South, has lost one of its most polished and best school men and public servants. The Senate desires in this testimonial to express to our colleague, Senator J. W. E. H. Beck, our deep regret at the loss of his father. Therefore, be it

RESOLVED, That a copy of this resolution be mailed to Senator Beck and other members of the family; that it be printed in the Journal and that when the Senate adjourns for the day it do so in honor of the memory of this distinguished educator and citizen of Georgia.

HOLBROOK,

Senator Holbrook requested that the names of all the Senators be added.

BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,
HOPKINS,

HORNSBY,
HUGHSTON,
MARTIN,
MOORE,
NEAL,
ONEAL,
PACE,
POAGE,
RAWLINGS,
REDDITT,

REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,

WOODUL, Lieutenant-Governor.

Read.

The resolution was adopted unanimously by a rising vote.